

Analysis of the Modernization and Integration of China's Civil Aviation Law based on the Perspective of Global Aviation Governance

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Abstract. The establishment of modern civil aviation power state needs perfect aviation law. Civil Aviation Law was promulgated in China in 1995, which has been implemented for more than 20 years. With the development of the times, new problems continue to emerge in air transport both at home and abroad. The current aviation law system lags behind obviously, and cannot meet the new needs of the new era, thus affecting the solution to air transport problems. At present, there is a rapid development in air transport, and international legislation develops gradually toward the direction of human development. We should learn the effective experience at home and abroad and constantly improve the Civil Aviation Law, timely repair and supplement to meet the development needs of the times in order to achieve Civil Aviation Law modernization and integration, maintain aviation order, and promote the healthy development of civil aviation transport industry and global aviation governance.

The 19th CPC Congress proposed that socialism with Chinese characteristics entered a new era. We must uphold the principle of administering the country according to law in an all-round way, improve the legal system of socialism with Chinese characteristics, promote scientific legislation, democratic legislation and legislation according to law, and deepen the practice of governing the country according to law. It is necessary to promote the development of Chinese society with good laws and promote the governance of the society [1]. At present, our country has initially formed a socialist legal system with Chinese characteristics. The phased objectives of the legislative work have been completed. However, with the development of the times, the legal system has evolved dynamically to adapt to the practice of distinctive socialism. Civil Aviation Law is an important part of China's legal system and plays an important role in coordinating civil aviation and non-civil aviation activities as well as various social relations of civil aviation activities. In recent years, new problems such as aviation environmental pollution, air traffic congestion, hegemony and delays have emerged. It is necessary to explore in depth and establish a modern and integrated Civil Aviation Law.

The connotation of modernization and integration of Civil Aviation Law

Modernization

Social practice is the basis of law and social practice is constantly evolving. Legislative work needs continuous development too. Modern, ancient, and contemporary concepts correspond to each other and perform the sum of various features of a historical stage. Scholars have different views on the connotation of modernization. Most scholars believe that modernization is the process of change in people's social life since Industrial Revolution. Some of the established characteristics are the hallmarks of such a process, which shows the change of society from traditional to modern. Modernization is not only in economic field, but also in all aspects of social fabric. The modernization of Civil Aviation Law should be integrated with the practical development of air transport both at home and abroad. In the course of continuous changes, modern transformation should be realized. Change the passive changes caused by external factors and achieve spontaneous internal changes [2]. The modernization of China's Civil Aviation Law is based on the new

problems and new situations of legislation and judicature both at home and abroad. It realizes the transformation of civil aviation legislation from traditional to modern and harmonizes Civil Aviation Law with modern international air traffic agreement.

Integration

Integration and diversity correspond to each other, which is a process and result that many factors or many things are gradually developing into a coordinated whole, and gradually converging toward a unity. Integration emphasizes the synthesis of many things and becomes a whole. The internal parts often have complex structures and are parts of different qualities and mutual independence. They can harmonize and get along with each other and form a unified whole. The laws of various countries in the world are becoming more and more common to each other, getting closer to each other, and capable of coexisting in harmony instead of opposing each other. This is the process of law integration. These different laws can be linked together to form a unified body. The integration of law is not the unification of laws. It does not deny the differences of laws in different countries. Instead, it respects the legal system of sovereign states and legally coordinates with relevant laws of various countries and international convention laws to avoid the friction of laws and contradictory. The integration of law is the unity and coordination of various laws within the same legal system. Aviation activities are transnational in nature. Aviation law has obvious international characteristics. China's Civil Aviation Law requires a unified international aviation law and technical standards to ensure the safety of air transport. [3] Although much work has been done by ICAO in integration, the result is not satisfactory and needs to be further explored and refined.

Civil Aviation Law of modernization and integration of the reasons

The modernization of China's Civil Aviation Law has some theoretical and practical foundations. The prerequisite and basis for the modernization and integration of Civil Aviation Law are the changes in the basis of international legislation. The latest achievement of the convention on the regulation of international air transport carriers is the Montreal Convention of 1999, based on the 1929 Warsaw Pact. China is a party to the Convention and needs to assume its obligations and enjoy its rights, which should be in harmony with the content of the Convention. The Civil Aviation Law is an important law regulating civil aviation activities. Many of the contents of private law are based on the Warsaw Pact. After Montreal Convention was enacted, the Civil Aviation Law of China also adjusted the relevant contents and absorbed the advanced concepts and innovative systems in the convention so as to modernize the Civil Aviation Law. [4]

The development of aviation practice both at home and abroad has promoted the modernization and integration of the Civil Aviation Law. The Civil Aviation Law has been in operation for more than 20 years. There are also new problems in aviation practice both at home and abroad. There is a need for new ways of safeguarding air consumer rights. However, the lag of legislation affects the activities of judicial decisions and cannot guarantee the interests of consumers or appear in different ways of compensation in the same case. With the rise of network air transport, the emergence of integrated transport of railways, sea transport and air transport has impacted the traditional aviation legislation, and the aviation legislation needs to be further changed and improved in time [5].

At present, the international community is developing in the tendency of people-oriented legislation. From the Warsaw Pact to the Montreal Convention, the trend toward human-orientation has been manifested. Under certain circumstances, the relatively disadvantaged groups are being protected. Human-oriented trend is also the inevitable value trend of the modernization of the Civil Aviation Law [6]. China's Civil Aviation Law promoted the development of aviation in the early legislative stages, and the interests' considerations of the legislative contents tended to the transport sector, and the main protection was for the interests of air carriers, which did not safeguard the balance of interests of carriers and consumers. With the rapid development of world aviation, China's Civil Aviation Law should focus on protecting the interests of the disadvantaged consumers. Based on the human-oriented trend of international social legislation and the interests of consumers as the principle of legislation, the Civil Aviation Law has a truly human spirit and is characterized by modernization [7].

The necessity of modernization and integration of Civil Aviation Law

The necessary requirements of international and regional aviation legislation

The purpose of air transport legislation is aviation safety. Aviation safety embodies the people-oriented concept of air transport legislation in international community. In the formulation of China's Civil Aviation Law, we must reposition the value trend and follow the trend of people-oriented development. In the revision of the laws of various departments, we must all adopt a people-oriented spirit and maintain consistency with the fundamental law of our country. With economic development and continuous improvement of various social systems, China has changed from governing for the country to governing for the people. In the area of national governance, we have turned to respect and protect the values of our people and really put the interests of the people first. The development and evolution of international air transport responsibility law also protects the interests of consumers from the protection of the interests of air transport enterprises. The need for fair compensation and the importance of consumer interests are directly proposed in the Montreal Convention. Therefore, in the revision of the Civil Aviation Law, we must also focus on the protection of consumers' rights and interests as the basic principle and really protect the interests of consumers. [8]

China's Civil Aviation Law should learn from the laws and regulations of ICAO, and do not go against the mandatory obligations stipulated in the Montreal Convention and constantly improve the relevant system. The air transport carriers' responsibility system is amended to protect the interests of consumers and the dynamic balance of interests of carriers. Clarify the substantive rights of consumers, such as flight refusals, delays, cancellations and other compensation, relief and so on. Implement the obligations of the Convention and provide for the pre-payment system. In the event of an aircraft accident, the airline must first pay compensation to the victims. According to the new situation of aviation crime and aviation safety, the Civil Aviation Law should be amended so that the people's vital interests will be protected [9].

In recent years, the number of aviation disputes has been increasing and the social impact has been relatively extensive. People often are dissatisfied with the efficiency, accuracy and professionalism of handling accidents. Apart from traditional mediation and litigation, China's civil aviation legislation can include arbitration methods, learn from the Montreal Convention and improve the efficiency of dispute resolution. General aviation is an important part of civil aviation, which can help rescue and relief, respond to emergencies and promote the development of national economy. Current Civil Aviation Law's provisions for General Aviation are not perfect, and it is necessary to improve, supplement and enrich the content of general aviation in conjunction with relevant laws and regulations [10].

The natural attributes of international Aviation law

Under the background of economic globalization, people's life is constantly changing. In the reform of the times, the trend of law integration has been constantly strengthened. Aviation activities are characterized by natural international integration. Aviation activities are transnational activities. Aviation law should avoid conflicts caused by inconsistencies in aviation laws of various countries. International Aviation law has natural integration. In the legislation, China Airlines should step up its technology cooperation with international aviation law and promote the establishment of a unified and coordinated global aviation law. In line with the trend of integration of domestic and international air transport, multilateral aviation conventions are signed to reduce disputes and conflicts arising from aviation laws. There are various modes of airspace management, and most developed countries adopt a common management approach. Airspace management is the focus and difficulty of the aviation law, which is related to the coordination between military aviation and civil aviation. In order to regulate aviation activities on a larger scale, we can allocate specific weights for peacetime and wartime. Normally, we can expand the scope of airspace used by civil aviation. Wartime airspace resources are taken over by the military. Modern transportation is more comprehensive. In international transportation legislation, integrated transportation legislation is an important idea. The Civil Aviation Law must also implement the legislative idea of integrated transport. Different modes of transport have different principles of attribution. According to the

objective law of the development of civil liability, consider the principle of imputation of integration and the rights and interests of the parties concerned should be effectively protected.

Conclusion

In short, there is a continuous development of China's civil aviation legal system, but there are still many problems. The legislative update and revision work are relatively lagging behind. Much of the content of the Civil Aviation Law has become unsuitable for the current development situation. In the context of global aviation governance, it is necessary to promote the modernization and integration of the Civil Aviation Law, perfect and amend the legal norms voluntarily, and supplement the contents according to the actual situation. We should enhance our voice in global transport activities, create a favorable external environment, voluntarily participate in the formulation of legal documents such as international air transport treaties and norms, and realize the modernization and integration of Civil Aviation Law.

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